

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE COLUMBIA UNIVERSITY  
PATENT LITIGATION

MDL No. 04-MD-1592 (MLW)

Civil Action No. 04-10470-MLW  
C.D. Cal. No. CV 02-4349 MRP (CWx)

**ASSENTED-TO MOTION FOR LEAVE TO FILE REPLY BRIEF IN SUPPORT OF  
COLUMBIA UNIVERSITY'S EMERGENCY MOTION FOR LEAVE TO  
COMPLETE THE DEPOSITION OF AMGEN'S PRINCIPAL EXPERT, BRUCE  
DOLNICK**

Dated: October 5, 2004

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ATTORNEYS FOR THE TRUSTEES  
OF COLUMBIA UNIVERSITY IN  
THE CITY OF NEW YORK

Pursuant to Local Rule 7.1(B)(3), The Trustees of Columbia University ("Columbia") requests leave of Court to file a short reply brief in support of its Emergency Motion For Leave To Complete The Deposition Of Amgen's Principal Expert, Bruce Dolnick. The reply brief is filed simultaneously with the filing of this motion. Columbia believes that its 1½ page reply brief will assist the Court in understanding and evaluating the arguments presented in Amgen's opposition brief.

Counsel for Amgen has assented to Columbia filing a reply.

Respectfully submitted,

THE TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW YORK

By its attorneys,

/s/ Amanda Tessar

Amanda Tessar  
Gibson, Dunn & Crutcher LLP

/s/ Scott McConchie

Scott McConchie  
Griesinger, Tighe & Maffei, LLP

Dated: October 5, 2004

Certificate Under L.R. 7.1

In accordance with Local Rule 7.1(a)(2), counsel for Columbia conferred with counsel for Amgen, and counsel for Amgen indicated that they assent to this motion.

/s/ Amanda Tessar

Amanda Tessar  
Gibson, Dunn & Crutcher LLP